

### **REMARKS**

In response to the Office Action of May 12, 2005, Applicant respectfully requests reconsideration. Claims 1-27 and 37-39 are currently pending. The application as presented is believed to be in condition for allowance.

### **Claim Rejections Under 35 U.S.C. §103**

The Office Action gave three separate obviousness rejections to each of independent claims 1, 16, and 22. Specifically, these claims were rejected under 35 U.S.C. §103(a) as purportedly being obvious over Fisher in combination with DiChiara (4,858,117), Fisher in combination with Hart (5,285,528), and Fisher in combination with Duso (5,892,915). Each of these rejections is respectfully traversed.

An Advisory Action was mailed August 25, 2005, responding to arguments set forth in Applicant's response filed April 27, 2005. Applicant contacted the Examiner requesting a telephone interview to obtain clarification of some of the statements made in the Advisory Action and the Examiner requested that Applicant submit an interview agenda. Applicant submitted an agenda on October 27, 2005 explaining why Applicant believed the claims distinguish over Fisher in combination with the above-listed secondary references and seeking clarification of some of the statements in the Advisory Action. For example, the agenda addressed the rejection of claims 37-39 under 35 U.S.C. §112, first paragraph, which alleged that the specification does not have support for a logical volume having multiple users at one time.

After reviewing the interview agenda, the Examiner left a voicemail for Applicant on October 14, 2005, indicating that, in view of the points made in the agenda, the rejection of claims 37-39 under §112 was overcome. However, the Examiner declined to grant an interview to discuss the other issues raised in the agenda.

Applicant subsequently attempted to schedule a telephone interview with the Examiner to discuss the issues raised in the agenda that the Examiner had not yet addressed. Applicant left a voicemail for the Examiner seeking clarification with respect to the limitation of claim 1 that previously recited, "verifying that the logical volume is still in use using at least a portion of the identifying information." The voicemail explained that the Examiner's position was understood

to be that Fisher discloses using the mount status shown in Table 5 to verify that a volume is still in use, but Applicant was unclear how the Examiner was interpreting the mount status of Fisher to be “identifying information,” because the mount status is not information identifying a user.

In response, the Examiner left Applicant a voicemail on October 18, 2005, stating that the support in Fisher for the users is the description of the owner information in the database (col. 5), such that the mount status is not the user, but rather the user is the owner.

Applicant remained unclear as to how the Examiner was interpreting the mount status in Table 5 to be information identifying a user that is used to verify a logical volume still in use, and left two voicemails requesting a telephone interview to seek clarification. In response, on November 3, 2005, the Examiner left a voicemail indicating that he believed it to be best if Applicant filed a response.

Because Applicant wished to have a complete understanding of the rejection before filing a response, Applicant left the Examiner another voicemail questioning how the mount status of Fisher is believed to disclose the limitation of claim 1 that previously recited, “verifying that the logical volume is still in use using at least a portion of the identifying information.” On November 7, 2005, the Examiner left a voicemail asserting that the owner of a logical volume in Fisher is a user of the logical volume and that Fisher determines whether a volume is still in use using the mount status.

Applicant respectfully points out that Fisher does not disclose or suggest **using information identifying a user to verify that a logical volume is still in use**. Fisher discloses a mount status table that indicates whether a volume is mounted or unmounted. Fisher also discloses using a database that includes information identifying an “owner.” It is Applicant’s understanding that the Examiner asserts that this owner information is the “information identifying each user of the respective logical volume.” However, Fisher does not disclose or suggest, “verifying that the logical volume is still in use **using at least a portion of the information identifying each user** (emphasis added),” as recited in claim 1, because Fisher does not disclose or suggest using this “owner information” (i.e., the purported information identifying each user) to verify that a logical volume is still in use. In fact, it appears to be the

Examiner's position that other information in Fisher (i.e., the mount status information) is used to verify that the logical volume is still in use.

In view of the foregoing, Fisher fails to disclose or suggest, "verifying that the logical volume is still in use using at least a portion of the information identifying each user," as recited in claim 1. The secondary references do not cure this infirmity of Fisher. Thus, claim 1 patentably distinguishes over Fisher alone or in combination with any of the secondary references. Accordingly, it is respectfully requested that the rejection of claim 1 under 35 U.S.C. §103(a) be withdrawn.

Claims 2-15 and 37 depend from claim 1 and are patentable for at least the same reasons.

Both independent claims 16 and 22 recite, "a verifier module, coupled to the access manager module, that uses at least a portion of the information identifying multiple users to perform verification that a logical volume is still in use." As should be clear from the discussion above, neither Fisher nor the secondary references discloses or suggests this limitation. Thus, claims 16 and 22 patentably distinguish over Fisher, either alone or in combination with the secondary references. Accordingly, it is respectfully requested that the rejection of claims 16 and 22 under 35 U.S.C. §103(a) be withdrawn.

Claims 17-21 and 38 depend from claim 16 and claims 23-36 and 38 depend from claim 22. Each of these claims is patentable for at least the same reasons as its respective independent claim.

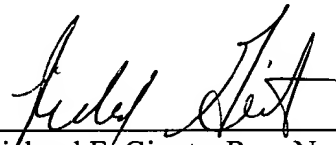
**CONCLUSION**

In view of the foregoing amendments and remarks, this application should now be in condition for allowance. A notice to this effect is respectfully requested. If the Examiner believes, after this amendment, that the application is not in condition for allowance, the Examiner is requested to call the Applicant's attorney at the telephone number listed below to discuss any outstanding issues relating to the allowability of the application.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 23/2825.

Respectfully submitted,

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Docket No. E0295.70117US00  
Date: November 14, 2005  
x11/14/05x